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Via ECF

The Honorable P. Kevin Castel, U.S.D.J.
United States Courthouse for the
Southern District of New York
Courtroom 11D
500 Pearl Street
New York, New York 10007

Re: ***Ali v. Hudson Group (HG) Retail, LLC, et al.,***
Case No. 1:17-cv-5144 (PKC)

Dear Judge Castel:

We represent defendants Hudson Group (HG) Retail, LLC and Airport Management Services, LLC in the above-referenced matter. Pursuant to the Court's Order dated July 10, 2017 (ECF No. 5), in advance of the conference scheduled for October 24, 2017, at 11:00 a.m., we write jointly with counsel for plaintiff Syed A. Ali to provide the Court with: (1) a brief description of the case, including the factual and legal bases for the claim(s) and defense(s); (2) any contemplated motions; and (3) the prospect for settlement.

(1) Brief Description of the Case

Plaintiff's Claims. Ali is a former employee of Defendants. He contends that he was not paid for overtime hours that he worked. He further contends that he was not paid "spread of hours" wages for shifts in excess of ten hours, as required by the NYLL. Plaintiff brings these claims against Hudson Group (HG) Retail, LLC, Airport Management Services, LLC, Hudson News Company, Hudson Group LLC, and John Does 1 through 10.

Defendants' Defenses. It is Defendants' position that plaintiff, an Operations Manager who was terminated for performance deficiencies and theft, was appropriately classified as exempt under the Fair Labor Standards Act or the New York Labor Law and, accordingly, was appropriately paid throughout his employment, including with respect to overtime pay and spread of hours pay. Moreover, Defendants deny that Ali is entitled to spread of hours pay as a matter of law.[1]

(2) Contemplated Motions

Neither plaintiff nor defendants contemplate bringing any motions at this time, however that Defendants anticipate filing a Motion for Summary Judgment following discovery, if and to the extent supported by evidence.

(3) Prospect for Settlement

The parties have participated in informal settlement discussions, but have not reached a resolution. While the parties intend to begin litigating this case, the parties shall continue to engage in settlement discussions if and when appropriate, based on discovery and the proceedings in this litigation.

Respectfully submitted,

DLA Piper LLP (US)

Joseph Kernen

Norris McLaughlin & Marcus, P.A.

/s/ Stephen H. Penn

Stephen H. Penn

[1] Defendants further contend that plaintiff incorrectly named two parties in this suit: Hudson News Company and Hudson Group LLC. Hudson News Company ceased to exist on April 6, 2010, as a result of a merger into Hudson Group (HG) Retail, LLC, and there is no entity called Hudson Group LLC.